

B-5 Central Governmental Service**B-5 CENTRAL GOVERNMENTAL SERVICE DISTRICT****PREAMBLE**

The B-5 Central Governmental Services District is designed to provide for a wide variety of uses associated with county and city governmental services, businesses and residential uses appropriate for the downtown area. The Central Governmental Service District recognizes the city's multiple roles as the county seat, employment center, the urban core of a larger metropolitan area and home of historic, stable neighborhoods.

SECTION 1304. PRINCIPAL USES PERMITTED:

In the B-5 Central Governmental Services District, no building or land shall be used and no building shall be erected, structurally altered, or occupied except for one (1) or more of the following specified uses, unless otherwise provided in this Ordinance:

1. Municipal, county and state administrative offices.
2. Municipal fire stations.
3. Sheriff or police department offices and facilities, not including jail or correctional facilities.
4. Community centers.
5. Retail businesses which supply retail foods, drugs, dry goods, appliances, notions, books, newspapers, gifts, furniture, hardware or similar retail businesses, not including "adult" or sexually oriented businesses.
6. Professional and business offices including medical clinics.
7. Banks, with or without drive-in facilities.
8. An Adult Foster Care Facility for any number of people.
9. Child care or day care center.
10. Residential apartments associated with or accessory to a permitted use provided the residential use is not on the main floor and constitutes no more than 50% of the total floor area of the principal structure.
11. Expansion of an existing secure correctional facility operated by the Muskegon County Sheriff's Department.

12. Restaurants and cocktail lounges.
13. Accessory buildings and accessory uses customarily incidental to the above Principal Uses Permitted.
14. Single family detached dwellings.

SECTION 1305: PROHIBITED USES

All uses not specifically permitted are prohibited. However, certain uses, which may seem otherwise compatible with permitted uses or special uses listed in this Article, are deemed by the city to be particularly unacceptable:

1. Halfway houses or other unsecured facilities for parolees or persons serving any criminal sentence, probation or parole violation, including privately owned and operated facilities, or similar facilities which house persons in a building under the jurisdiction of, or (if State law does not preempt), operated by, the Michigan Department of Corrections; similar unsecured facilities operated by or under the jurisdiction of the Sheriff's Department or the Courts.
2. Any unsecured facilities for the holding or residence of juvenile or youthful offenders subject to the Juvenile Division of Probate Court, or the Family Court.
3. Outdoor storage, warehouses, garages, except for garages which are deemed by the zoning administrator or Zoning Board of Appeals to constitute accessory structures to permitted or previously approved special uses.

SECTION 1306: SPECIAL LAND USES

The following uses, and their accessory buildings and accessory uses, shall be permitted as special uses under Section 2332 after review and approval of the use (and a site plan) by the Planning Commission, after Public Hearing, subject to the applicable conditions imposed by the Planning Commission.

1. Correctional facilities provided:
 - a. The facility meets national, state, and local codes and design criteria for correctional facilities including, without limitation, construction and security requirements.
 - b. The facility is secure, "lock-up," and operated by the County Sheriff's Department or City of Muskegon Police Department.
 - c. The facility shall be screened from residential uses, using materials and fencing compatible with residential uses and practice.

- d. Lighting, access and security devices shall be located and screened to avoid negative effects on, and achieve compatibility with, surrounding and adjacent uses and properties.
 - e. Facilities for transportation of prisoners must be located inside the secured areas of the building.
2. Youth homes provided the facility meets the same requirements as a Secured Correctional facility approved as a special use in this District.
 3. Parking Structures.
 4. Multiple family residential uses.
 5. Temporary uses, which shall be applied for and utilized in accordance with reasonable special conditions limiting the duration of the use. Such conditions may include, without limitation, imposition of the time limit for the use, the requirement of dismantling, restoration of improvements to their former configurations, consent to and execution of documents giving unconditional rights of entry to the city to carry out eviction, dismantling and restoration activities and the requirement of bonding or other security to assure the discontinuance and structural changes needed or appropriate in the judgment of the Planning Commission to terminate the use. Temporary uses may include, in the sole discretion of the Planning Commission, uses which are not permitted uses or special uses enumerated in this Ordinance, as well as permitted and special uses in this district. The Planning Commission may determine to limit the duration of any special use under consideration in accordance with this paragraph.
 6. Wind Turbine Facilities [amended 10/09]

[Original SECTION 1307 (Signs) was REPEALED in 10/98]

SECTION 1307: PLANNED UNIT DEVELOPMENTS

Planned Unit Developments may be allowed by the Planning Commission and City Commission pursuant to Section 2101. The intent of Planned Unit Developments in the B-5 Central Governmental Services District is to allow mixed land uses, which are compatible with adjacent and nearby uses in existence, with a particular concern to protect residential uses and commercial uses. The following combinations of uses are authorized in Planned Unit Developments. Distance requirements and provisions of the B-5 District shall be observed:

1. Permitted and special uses in the B-5 zone and:
2. Clubs, lodge halls, social and similar organizations including assembly or rental halls.

SECTION 1309: AREA AND BULK REQUIREMENTS [amended 4/00]

1. Minimum lot size: 10,890 sq. feet.
2. Maximum lot coverage:
Buildings: 80%
Pavement: 25%
3. Lot width: 40 feet (shall be measured at road frontage unless a cul-de-sac, then measured from setback).
4. Width to depth ratios: The depth of any lot(s) or parcel(s) shall not be more than three (3) times longer its width.
5. Height Limit:
Maximum height: 4 stories or 60 feet.
Minimum height: 2 stories or 35 feet.

Minimum heights are in the form of an "overlay district" on the following street corridors:

Western Avenue from Ninth Street to Pine Street.
Clay Avenue from Seventh Street to Fourth Street.
Pine Street; from Western Ave. to Apple Avenue.

Height measurement: In the case of a principal building, the vertical distance measured from the average finished grade to the highest point of the roof surface where the building line abuts the front yard, except as follows: to the deck line of mansard roofs, and the average height between eaves and the ridge of gable, hip, and gambrel roofs (see Figure 2-2). If the ground is not entirely level, the grade shall be determined by averaging the elevation of the ground for each face of the building (see Figure 2-4).

6. Front Setbacks: [amended 1/05]
Minimum:
Expressway or Arterial Street: 30 feet
Collector or Major Street: 20 feet
Minor Street: 10 feet
Maximum:
Expressway, Arterial Street or Major Street: 50 feet
Collector Street: 40 feet
Minor Street: 30 feet
7. Rear setback: 10 feet
8. Setback from the ordinary high water mark or wetland: 75 feet (principal structures only).

9. Side setbacks:

- 1-story: 8 feet and 12 feet
- 2-story: 10 feet and 14 feet
- 3-story: 12 feet and 16 feet
- 4-story: 16 feet and 20 feet

Note, setback measurement: All required setbacks shall be measured from the right-of-way line to the nearest point of the determined drip line of buildings. [amended 10/02]

10. Zero lot line option: New principal buildings may be erected on the rear lot line and/or one side lot line provided: [amended 10/02]

- a. The building has an approved fire rating for zero-lot line development under the building code.
- b. The building has adequate fire access preserved pursuant to fire code requirements.
- c. The zero lot line side is not adjacent to a street.
- d. A maintenance access easement is granted by the adjacent property owner and recorded with the County Register of Deeds and provided to the zoning administrator with the site plan or plot plan.
- e. It is not adjacent to wetlands, or waterfront.

11. All required side and rear setbacks shall be landscaped, greenbelt buffers, unless zero-lot-line is employed for a structure or fire access. At least fifty percent of all required front setbacks shall be landscaped and adjacent to the road right-of-way. An average minimum greenbelt of 10 feet shall be maintained along each street frontage. [amended 12/01, amended 10/02]